

United States District Court
Northern District of California

UNITED STATES OF AMERICA,

Plaintiff,

v.

RUDY MARTINEZ,

Defendant.

Case No.: CR 12-0792 YGR (KAW)

DETENTION ORDER

I. DETENTION ORDER

Defendant Rudy Martinez is charged in a superseding Information with violations of 18 U.S.C. §§ 1962(d), 924(c) and 2 (racketeering conspiracy, and use/ possession of firearm in furtherance of crime of violence and aiding and abetting). At the March 15, 2013 hearing before this Court, Defendant, who was in custody and represented by attorney Ken Wine, waived the timing of his right to proffer information at a detention hearing, *see* 18 U.S.C. § 3142(f), and also waived findings, while retaining his right to seek release at a later hearing should his circumstances change. Assistant United States Attorney Randy Luskey appeared on behalf of the United States.

The Court notes that Defendant is subject to a no-bail warrant in the District Court in Utah.

II. CONCLUSION

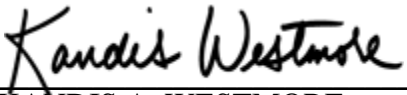
The Court hereby detains Defendant, but because he has waived his right to present information under 18 U.S.C. § 3142(f) without prejudice to raising relevant information at a later hearing, the Court orders that the hearing may be reopened at Defendant's request at any future time.

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Defendant shall remain committed to the custody of the Attorney General for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal. Defendant shall be afforded reasonable opportunity for private consultation with counsel. On order of a court of the United States or on request of an attorney for the Government, the person in charge of the corrections facility in which Defendant is confined shall deliver Defendant to a United States marshal for the purpose of an appearance in connection with a court proceeding.

IT IS SO ORDERED.

Dated: March 18, 2013


KANDIS A. WESTMORE
United States Magistrate Judge